

RD AN No. 3856 (1944-I)
May 5, 2003

TO: State Directors
Rural Development

ATTENTION: Rural Housing Program Directors, Rural Development Managers,
and Community Development Managers and State Civil Rights
Coordinators/Managers

FROM: Arthur A. Garcia *(Signed by Arthur A. Garcia)*
Administrator
Rural Housing Service

SUBJECT: Participation of Persons with a Disability in the Mutual Self-Help (MSH)
Program.

PURPOSE/INTENDED OUTCOME:

The purpose of this Administrative Notice (AN) is to clarify the Agency's and grantee's responsibilities to preserve the rights of a person with a disability to participate in the MSH program.

COMPARISON WITH PREVIOUS AN:

This AN replaces RD AN No. 3759 dated May 28, 2002, which expires on May 30, 2003.

BACKGROUND:

There have been several inquiries to the National Office from the Rural Development field staff, Mutual Self-Help Technical and Management Assistance contractors and Technical Assistance grantees as to whether a person with a disability or a family with a disabled member can participate in the Section 523 program.

EXPIRATION DATE: May 31, 2004

FILING INSTRUCTIONS:
Preceding RD Instruction 1944-I

A person with a disability cannot be denied the right to participate in the Mutual Self-Help program. 7 C.F.R. §1944.401 sets forth requirements for grantees to comply with Rural Development regulation 7 C.F.R part 1901 subpart E, “Civil Right’s Compliance Requirements” and other applicable nondiscrimination laws.

Section 504 of the Rehabilitation Act of 1973, implemented by USDA as 7 C.F.R. part 15b, “Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Federal Assistance”, pertains to grantees and 7 C.F.R. part 15e, “Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the USDA”, pertains to the Rural Development mission area and its employees.

Consistent with 7 C.F.R. §15b.4(b)(1)(ii) & (vii), and 7 C.F.R. §15e.130(b)(1)(ii) & (vi), the Agency and grantees will as required by 7 C.F.R. §1944.403(k), provide a person with a disability the opportunity to take advantage of the self-help housing program by allowing family members, or other persons so designated, to substitute in their place by contributing the required 65 percent of labor tasks.

Regulatory Requirement

The Fair Housing Act (42 U.S.C. §3601 et seq) and HUD implementing regulation at 24 C.F.R. §100.204 furthers prohibits female head of households participants from being discouraged from participating in Federal programs, such as the MSH program. It also prohibits discrimination-based race, color, religion, sex, familial status, national origin and disability.

The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq) prohibits a persons age from being a considered factor in participating in this program.

IMPLEMENTATION/RESPONSIBILITIES:

Rural Development personnel and Mutual Self-Help Assistance providers are to make reasonable accommodations in the policies and practices to enable persons with disabilities to receive the full benefit of the program. In accordance with 7 C.F.R. §1944.403(k), the “Participating family” definition reflects that participants who may not have the ability to furnish their share of the required labor may use a substitute to perform the required labor with prior approval of the grantee and State Director. When requesting the grantee and State Director approval, the participating family will provide the appropriate documentation verifying their permanent or temporary disability, such as providing documentation of a health condition related to pregnancy or of workman’s compensation benefits. Where it is necessary for a person with a disability to achieve equal benefits in the self-help program, a substitute family member or other persons so designated must contribute labor to complete the required 65 percent of the assigned tasks.

At a minimum, the substitute laborer(s) must:

1. Be made aware of the commitment to work with each family in a participating group during the construction time period to accomplish the 65 percent of the total 100 percent of tasks listed in 7 C.F.R. part 1944 subpart I, Exhibit B-2, "Breakdown of Construction Development for Determining Percentage Construction Completed."
2. Sign the Membership Agreement and participate in all group meetings related to construction of the self-help homes.

Questions concerning this AN should be addressed to the State's Rural Housing Program Director and/or State Civil Rights Coordinator/Manager, as appropriate. State Office staff needing further guidance or clarification may contact Carolyn Bell, Branch Chief, Special Programs and New Initiatives or Daryl L. Cooper, Senior Loan Specialist of the Single Family Housing Direct Loan Division at (202) 720-1474.